

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1504 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-33-12-6 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) The department
- 5 shall place in the state general fund the tax revenue collected under this
- 6 chapter.
- 7 (b) Except as provided by subsection (c), the treasurer of state shall
- 8 quarterly pay the following amounts:
- 9 (1) One dollar (\$1) of the admissions tax collected by the licensed
- 10 owner for each person embarking on a riverboat during the
- 11 quarter shall be paid to:
- 12 (A) the city in which the riverboat is docked, if the city:
- 13 (i) is described in IC 4-33-6-1(a)(1) through
- 14 IC 4-33-6-1(a)(4) or in IC 4-33-6-1(b); or
- 15 (ii) is contiguous to the Ohio River and is the largest city in
- 16 the county; and
- 17 (B) the county in which the riverboat is docked, if the
- 18 riverboat is not docked in a city described in clause (A).
- 19 (2) One dollar (\$1) of the admissions tax collected by the licensed
- 20 owner for each person embarking on a riverboat during the
- 21 quarter shall be paid to the county in which the riverboat is
- 22 docked. In the case of a county described in subdivision (1)(B),
- 23 this one dollar (\$1) is in addition to the one dollar (\$1) received
- 24 under subdivision (1)(B).

(3) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the county convention and visitors bureau or promotion fund for the county in which the riverboat is docked.

(4) Fifteen cents (\$0.15) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during a quarter shall be paid to the state fair commission, for use in any activity that the commission is authorized to carry out under IC 15-1.5-3.

(5) Ten cents (\$0.10) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the division of mental health. The division shall allocate at least twenty-five percent (25%) of the funds derived from the admissions tax to the prevention and treatment of compulsive gambling.

(6) Sixty-five cents (\$0.65) of the admissions tax collected by the licensed owner for each person embarking on a riverboat during the quarter shall be paid to the Indiana horse racing commission to be distributed as follows, in amounts determined by the Indiana horse racing commission, for the promotion and operation of horse racing in Indiana:

(A) To one (1) or more breed development funds established by the Indiana horse racing commission under IC 4-31-11-10.

(B) To a racetrack that was approved by the Indiana horse racing commission under IC 4-31. The commission may make a grant under this clause only for purses, promotions, and routine operations of the racetrack. No grants shall be made for long term capital investment or construction and no grants shall be made before the racetrack becomes operational and is offering a racing schedule.

(c) With respect to tax revenue collected from a riverboat that operates on Patoka Lake, the treasurer of state shall quarterly pay the following amounts:

(1) The counties described in IC 4-33-1-1(3) shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter. This amount shall be divided equally among the counties described in IC 4-33-1-1(3).

(2) The Patoka Lake development account established under IC 4-33-15 shall receive one dollar (\$1) of the admissions tax collected for each person embarking on the riverboat during the quarter.

(3) The resource conservation and development program that:

(A) is established under 16 U.S.C. 3451 et seq.; and

(B) serves the Patoka Lake area;

1 shall receive forty cents (\$0.40) of the admissions tax collected
2 for each person embarking on the riverboat during the quarter.

3 (4) The state general fund shall receive fifty cents (\$0.50) of the
4 admissions tax collected for each person embarking on the
5 riverboat during the quarter.

6 (5) The division of mental health shall receive ten cents (\$0.10)
7 of the admissions tax collected for each person embarking on the
8 riverboat during the quarter. The division shall allocate at least
9 twenty-five percent (25%) of the funds derived from the
10 admissions tax to the prevention and treatment of compulsive
11 gambling.

12 (d) Money paid to a unit of local government under subsection
13 (b)(1) through (b)(2) or subsection (c)(1):

14 (1) must be paid to the fiscal officer of the unit and may be
15 deposited in the unit's general fund or riverboat fund established
16 under IC 36-1-8-9, or both;

17 (2) may not be used to reduce the unit's maximum or actual levy
18 under IC 6-1.1-18.5; and

19 (3) may be used for any legal or corporate purpose of the unit,
20 including the pledge of money to bonds, leases, or other
21 obligations under IC 5-1-14-4.

22 (e) Money paid by the treasurer of state under subsection (b)(3)
23 shall be:

24 (1) deposited in:

25 (A) the county convention and visitor promotion fund; or

26 (B) the county's general fund if the county does not have a
27 convention and visitor promotion fund; and

28 (2) used only for the tourism promotion, advertising, and
29 economic development activities of the county and community.

30 (f) Money received by the division of mental health under
31 subsections (b)(5) and (c)(5):

32 (1) is annually appropriated to the division of mental health;

33 (2) shall be distributed to the division of mental health at times
34 during each state fiscal year determined by the budget agency;
35 and

36 (3) shall be used by the division of mental health for programs
37 and facilities for the prevention and treatment of addictions to
38 drugs, alcohol, and compulsive gambling, including the creation
39 and maintenance of a toll free telephone line to provide the public
40 with information about these addictions. The division shall
41 allocate at least twenty-five percent (25%) of the money received
42 to the prevention and treatment of compulsive gambling.

43 **(g) This subsection applies to a city having a population of more**
44 **than one hundred ten thousand (110,000) but less than one**
45 **hundred twenty thousand (120,000). Money received under this**
46 **section may not be pledged to:**

- 1 **(1) bonds under IC 5-1-14-4; and**
 2 **(2) leases or other obligations under IC 5-1-14-4 unless the**
 3 **money is appropriated by the city legislative body in an**
 4 **ordinance passed under IC 36-4-6-18.5.**

5 SECTION 2. IC 4-33-13-6 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) Money paid to a
 7 unit of local government under this chapter:

- 8 (1) must be paid to the fiscal officer of the unit and may be
 9 deposited in the unit's general fund or riverboat fund established
 10 under IC 36-1-8-9, or both;
 11 (2) may not be used to reduce the unit's maximum or actual levy
 12 under IC 6-1.1-18.5; and
 13 (3) may be used for any legal or corporate purpose of the unit,
 14 including the pledge of money to bonds, leases, or other
 15 obligations under IC 5-1-14-4.

16 (b) This chapter does not prohibit the city or county designated as
 17 the home dock of the riverboat from entering into agreements with
 18 other units of local government in Indiana or in other states to share the
 19 city's or county's part of the tax revenue received under this chapter.

20 (c) **This subsection applies to a city having a population of more**
 21 **than one hundred ten thousand (110,000) but less than one**
 22 **hundred twenty thousand (120,000). Money received under this**
 23 **chapter may not be pledged to:**

- 24 **(1) bonds under IC 5-1-14-4; and**
 25 **(2) leases or other obligations under IC 5-1-14-4 unless the**
 26 **money is appropriated by the city legislative body in an**
 27 **ordinance passed under IC 36-4-6-18.5.**

28 SECTION 3. IC 5-1-14-4 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) Notwithstanding any other
 30 law, a pledge of revenues or other money, or property made by any
 31 issuer is binding from the time the pledge is made. Revenues or other
 32 money, or property pledged and thereafter received by the issuer are
 33 immediately subject to the lien of the pledge without any further act,
 34 and the lien of a pledge is binding against all parties having claims of
 35 any kind in tort, contract, or otherwise against the issuer, regardless of
 36 whether the parties have notice of any lien. No resolution, ordinance,
 37 indenture, or any other instrument by which a pledge is created needs
 38 to be filed or recorded except in the records of the issuer.

39 (b) **Except as provided in subsection (c) and** notwithstanding any
 40 other law, an issuer may pledge any revenues or other money or pledge
 41 or mortgage property to pay debt service on or secure any obligations
 42 or any lease rental or contractual payments, if:

- 43 (1) the issuer has the necessary statutory authority to issue
 44 obligations, pay lease rentals, or make contractual payments for
 45 any project or purpose for which the pledge or mortgage is made;
 46 (2) the revenues, money, or property is legally available, under

federal, state, and local laws, to pay or secure debt service, lease rentals, or contractual payments; and

(3) the pledge or mortgage does not purport to create an obligation in violation of any statutory or constitutional limitation to which the issuer is subject.

(c) Money paid to a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) under IC 4-33-12-6 or IC 4-33-13-6 may not be used for the pledge of money to bonds under this chapter.

SECTION 4. IC 5-22-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) This section does not apply to a discounted contractual arrangement for services or supplies funded through a designated leasing entity.

(b) **Except as provided in subsection (f) and** subject to subsections (c) through (e) and section 5 of this chapter, a contract for supplies may be entered into for a period not to exceed four (4) years.

(c) County and municipal hospitals may contract for the purchase of supplies for more than one (1) year but not more than five (5) years if the supplies are purchased under IC 5-22-7.

(d) The contract must specify that payment and performance obligations are subject to the appropriation and availability of funds.

(e) A political subdivision must have available a sufficient appropriation balance or an approved additional appropriation before a purchasing agent may award a contract.

(f) In a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000), a contract for services or supplies may be entered into for a period not to exceed four (4) years.

SECTION 5. IC 5-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a) Except as provided in subsection (b),** a governmental body may establish policies or adopt rules permitting or requiring any of the following:

(1) The inclusion of clauses providing for adjustments in prices or time of performance.

(2) The inclusion of contract provisions dealing with either of the following:

(A) The unilateral right of the governmental body to order, in writing either of the following:

(i) Changes in the work within the scope of the contract.

(ii) Temporary stopping of the work or delaying performance.

(B) Variations occurring between estimated quantities of work in a contract and actual quantities.

(b) A contract entered into by a city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000) after June 30, 2001, for

1 **services (as defined in IC 5-22-2-30) or supplies (as defined in**
 2 **IC 5-22-2-38) must contain a clause that allows for the revocation**
 3 **of the contract by the city.**

4 SECTION 6. IC 36-1-8-9 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2001]: Sec. 9. (a) Each unit that receives tax
 6 revenue under IC 4-33-12-6, IC 4-33-13, or an agreement to share a
 7 city's or county's part of the tax revenue may establish a riverboat fund.
 8 Money in the fund may be used for any legal or corporate purpose of
 9 the unit.

10 (b) The riverboat fund established under subsection (a) shall be
 11 administered by the unit's treasurer, and the expenses of administering
 12 the fund shall be paid from money in the fund. Money in the fund not
 13 currently needed to meet the obligations of the fund may be invested
 14 in the same manner as other public funds may be invested. Interest that
 15 accrues from these investments shall be deposited in the fund. Money
 16 in the fund at the end of a particular fiscal year does not revert to the
 17 unit's general fund.

18 (c) **This subsection applies to a city having a population of more**
 19 **than one hundred ten thousand (110,000) but less than one**
 20 **hundred twenty thousand (120,000). Money deposited into the**
 21 **riverboat fund may not be pledged to leases or other obligations**
 22 **under IC 5-1-14-4 unless the money is appropriated by the city**
 23 **legislative body in an ordinance passed under IC 36-4-6-18.5."**

24 Page 2, between lines 20 and 21, begin a new paragraph and insert:

25 "SECTION 9. IC 36-4-6-18.5 IS ADDED TO THE INDIANA
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2001]: Sec. 18.5. (a) **This section applies to a**
 28 **city having a population of more than one hundred ten thousand**
 29 **(110,000) but less than one hundred twenty thousand (120,000).**

30 (b) **As used in this section, "riverboat money" refers to money**
 31 **received by the city from the following sources:**

32 (1) **Riverboat admissions taxes received under IC 4-33-12-6.**

33 (2) **Riverboat wagering taxes received under IC 4-33-13.**

34 (3) **An agreement to share another city's or county's riverboat**
 35 **tax revenue.**

36 (4) **An agreement with a riverboat owner licensed under**
 37 **IC 4-33.**

38 (c) **Before passing an ordinance appropriating the city's**
 39 **riverboat money, the legislative body shall consider separately each**
 40 **proposed capital project to be financed by riverboat money**
 41 **pledged to leases or other obligations under IC 5-1-14-4.**

42 (d) **The legislative body shall pass a separate ordinance**
 43 **appropriating riverboat money for each capital project that is**
 44 **financed by riverboat money pledged to leases or other obligations,**
 45 **not including bonds, under IC 5-1-14-4.**

46 (e) **At least a three-fourths (3/4) vote of the city common council**
 47 **in favor of an ordinance under this section is required to approve**

- 1 **the ordinance."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to HB 1504 as printed February 9, 2001.)

Representative Smith V